

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

IN RE: CROP INPUTS ANTITRUST LITIGATION)
) 4:21-MD-2993-SEP
)
) ALL CASES
)

FIRST CASE MANAGEMENT ORDER

Pursuant to the Civil Justice Reform Act Expense and Delay Reduction Plan and the Differentiated Case Management Program of the United States District Court of the Eastern District of Missouri and the Rule 16 Conference held on October 15, 2021,

IT IS HEREBY ORDERED that the following schedule will apply in this case, and will be modified only upon a showing of good cause:

1. This case has been assigned to Track 3 (Complex), which the parties agree is appropriate, with modifications, as this is a complex, multi-party Multi-District Litigation matter.
2. As stated in the Court's August 20, 2021, Order, Doc. [61], Defendants will file an omnibus Motion to Dismiss the Consolidated Amended Complaint, as well as any unique, non-duplicative Defendant-specific Motions to Dismiss no later than **November 10, 2021**. Plaintiffs' Oppositions will be filed no later than **December 20, 2021**. Defendants' Replies will be filed no later than **January 19, 2022**. All memoranda filed in connection with the unique, non-duplicative Defendant-specific Motions to Dismiss shall not exceed **fifteen (15)** pages. Defendants' Memorandum in Support of the omnibus Motion to Dismiss the Consolidated Amended Complaint, as well as Plaintiffs' Memorandum in Opposition to the omnibus Motion to Dismiss, shall not exceed **seventy (70)** pages. Defendants' Reply Memorandum shall not exceed **thirty (30)** pages.
3. The parties will meet and confer regarding a Protective Order and ESI Protocol.
 - a. The parties will present an agreed proposed order or submit disputes over the Protective Order to the Court no later than **November 1, 2021**.
 - b. The parties will present an agreed proposed order or submit disputes over the ESI Protocol to the Court no later than **December 10, 2021**. The ESI

Protocol shall include a process by which the parties will propose and respond to custodians and search methodologies and the time for raising disputes, if any, regarding the same with the Court.

4. Except as otherwise provided in the Court's ruling on Defendants' Motion to Stay, Doc. [80], which stayed most fact discovery until after the Court's ruling on the Motions to Dismiss, the following schedule will govern initial discovery deadlines:
 - a. The parties will exchange initial disclosures under Rule 26(a)(1)(A) no later than **December 6, 2021**.
 - b. The parties may serve initial Rule 34 requests for production of documents and Rule 33 interrogatories after the stay on fact discovery is lifted by further order of the Court.
 - c. The parties do not currently believe any physical or mental examinations of parties will be requested pursuant to Fed. R. Civ. P. 35.
 - d. The parties do not currently believe that discovery should be conducted in phases or limited to certain issues.
5. **Within fourteen (14) days after the Court has ruled on Defendants' omnibus Motion to Dismiss**, in the event there are any claims remaining, the parties shall meet and confer regarding scheduling of remaining pretrial matters, which may include:
 - a. dates for joinder of additional parties or amendment of pleadings;
 - b. the parties' positions concerning the referral of the action to mediation and when such referral would be most productive;
 - c. the number of depositions and interrogatories that shall be permitted per side and/or per party;
 - d. deadlines for the parties' production of structured data;
 - e. substantial completion of document productions in response to requests for production;
 - f. expert disclosures, including dates by which each party shall make its expert witnesses available for depositions;
 - g. deadlines for Plaintiffs' Motion for Class Certification briefing and other deadlines relating to class certification;
 - h. deadline of completion for all discovery;

- i. dispositive motion deadlines, including motions for summary judgment and motions to exclude testimony pursuant to *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993) or *Kumho Tire Co. Ltd. v. Carmichael*, 526 U.S. 137 (1999); and
 - j. anticipated trial date and estimated length of time expected to try the case to verdict.
6. The parties shall submit a Joint Proposed Scheduling Order containing all relevant items in paragraph 5 no later than **thirty (30) days** after the Court has ruled on Defendants' omnibus Motion to Dismiss.
 7. The parties will appear before the Court for a status conference no later than **forty-five (45) days** after a ruling on the omnibus Motion to Dismiss (but as soon as reasonably possible after the submission of the Joint Proposed Scheduling Order).

IT IS FURTHER ORDERED that the parties will appear before the Court for a status conference on Friday, December 17, 2021, at 11:00 a.m., which will be held by Zoom video technology. Liaison Counsel will receive a separate email with the Zoom information for dissemination prior to the conference. The parties shall email to chambers a list of topics that they would like to address at the conference by no later than December 15, 2021.

Dated this 18th day of October, 2021.



SARAH E. PITLYK
UNITED STATES DISTRICT JUDGE